

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, . Case No. 2:17-cr-00137-PD-1

Plaintiff,

v.

RUFUS SETH WILLIAMS,
ET AL.,

Defendant.

FILED

NOV 14 2017

U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

By KATE BARKMAN, Clerk
EMM Dep. Clerk

October 24, 2017
2:01 p.m.

SENTENCING HEARING
BEFORE THE HONORABLE PAUL S. DIAMOND
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff
United States:

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Proceedings recorded by electronic sound
recording, transcript produced by transcription service.

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EXHIBITS	ID.	EVD.
NONE		

1 (Call to Order of the Court at 2:01 p.m.)

2 JUDGE PAUL S. DIAMOND: Please be seated, everybody.

3 Good afternoon.

4 MR. ROBERT A. ZAUZMER: Good afternoon, Your Honor.

5 Good afternoon.

6 MR. THOMAS F. BURKE: Good afternoon, Your Honor.

7 MS. JACKIE WIDMEIER: Good afternoon, Your Honor.

8 THE COURT: We are here for sentencing in this
9 matter. The sentencing is on the basis of a guilty plea to
10 Count 1 of the superseding indictment that charged the
11 defendant with travel and use of interstate facilities to
12 promote and facilitate bribery, contrary to Pennsylvania law in
13 violation of federal law.

14 On June 29th of this year, Mr. Williams appeared
15 before me and pled guilty to Count 1 of the superseding
16 indictment; I conducted the colloquy and accepted the guilty
17 plea. The parties also stipulated that Mr. Williams committed
18 the offenses charged in Counts 2 through 29 of the superseding
19 indictment. Ten additional counts of travel and use of
20 interstate facilities to promote and facilitate bribery,
21 contrary to Pennsylvania law, in violation of federal law. Two
22 counts of obstructing and affecting interstate and foreign
23 commerce by extortion under color of official right in
24 violation of federal law. Two counts of scheming to defraud
25 the City and County of Philadelphia and its citizens of

1 defendant's honest services, also in violation of federal law.
2 Twelve counts of wire fraud in violation of federal law, and
3 two counts of mail fraud.

4 I have received a revised presentence investigation
5 report, a sentencing recommendation, the government's
6 sentencing memorandum and motion for order of forfeiture. The
7 defendant's sentencing memorandum with numerous letters in
8 support. I received a letter from Ms. Dreisbach (Phonetic),
9 and a letter from Ms. Motherall (Phonetic). I today, received
10 a letter from Richard Wall (Phonetic), I also received the
11 government's final order of forfeiture which was just submitted
12 to me.

13 Are there any additional -- or, first of all, are
14 there any other materials that have been submitted that I've
15 not just referred to?

16 Mr. Burke?

17 MR. BURKE: No, Your Honor.

18 THE COURT: Mr. Zauzmer?

19 MR. ZAUZMER: No, sir.

20 THE COURT: Are there any additional materials anyone
21 would like to submit now, Mr. Burke?

22 MR. BURKE: Your Honor, the only additional material
23 that I'll submit during my presentation is a letter from Sonita
24 Williams and if the Court doesn't mind, I'd like to read that
25 into the record.

1 THE COURT: Certainly.

2 MR. BURKE: Thank you.

3 THE COURT: MR. Zauzmer?

4 MR. ZAUZMER: No, Your Honor.

5 THE COURT: Mr. Williams, have you received a revised
6 presentence investigation report?

7 MR. RUFUS SETH WILLIAMS: I have, Your Honor.

8 THE COURT: Have you had full and ample opportunity
9 to review it, and have you, in fact, done so?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Mr. Burke, have you reviewed the revised
12 presentence investigation report?

13 MR. BURKE: I have, Your Honor.

14 THE COURT: Mr. Zauzmer, have you reviewed the
15 revised presentence investigation report?

16 THE COURT: Yes, Your Honor.

17 THE COURT: I have reviewed defendant's objection to
18 the report, he argues that paragraph 28 of the report
19 incorrectly provides that Mr. Williams requested a police
20 escort for Mr. Ali to be provided by Captain Sullivan when Mr.
21 Ali arrived at the Philadelphia airport -- flew into the
22 Philadelphia airport. And my reading of the record confirms
23 that objection so I will sustain the objection.

24 Does anyone have any other objections to the revised
25 presentence investigation report that he has not previously

1 made, but would like to make now?

2 Mr. Burke?

3 MR. BURKE: No, Your Honor.

4 THE COURT: Mr. Zauzmer?

5 MR. ZAUZMER: No, Your Honor.

6 THE COURT: I will accept and adopt the facts and
7 conclusions as set out in the report for purposes of this
8 sentencing.

9 Accordingly, I conclude that under the guidelines,
10 the advisory guidelines, the offense level is 24, the criminal
11 history category is one, and the advisory guideline sentences
12 between 51 to 63 months imprisonment. However, there is a
13 statutory maximum penalty of 60 months on Count 1 of the
14 superseding indictment, meaning that the guideline range is
15 between 51 and 60 months imprisonment.

16 Yesterday, I granted the government's motion for an
17 order of forfeiture of the 33,000 -- \$33,009, and I believe
18 that was part of the -- actually, it was a much larger amount,
19 but it was part of the guilty plea agreement; is that right,
20 Mr. Burke?

21 MR. BURKE: Yes, Your Honor.

22 THE COURT: And the government also requested that I
23 grant its -- grant its motion to substitute assets because one
24 or more of the conditions of 21 U.S.C. 853(p) had been met but
25 didn't indicate what -- how it would satisfy those conditions.

1 Do you object to the substitution request, Mr. Burke?

2 MR. BURKE: I do not, Your Honor.

3 THE COURT: Very well. Then I will grant your
4 request, Mr. Zauzmer, to substitute property in the event as
5 you seem to think there are no assets to satisfy the \$33,000
6 forfeiture.

7 MR. ZAUZMER: Well, if I could address that, Your
8 Honor.

9 THE COURT: Sure.

10 MR. ZAUZMER: I think, Your Honor's point recording
11 the fact that there are no substitute assets right now is well
12 taken. In our form orders that we've submitted throughout the
13 District Court, we include the provision but I think Your Honor
14 was right that it's not necessary at this time. So that's why
15 once we received your order, and appreciating that order, we
16 prepared this new final order, which is only a money judgment
17 that we're asking for at this time.

18 THE COURT: Well, you can -- you can move to amend.
19 The statute doesn't give you any limit in terms of --

20 MR. ZAUZMER: I -- exact -- well, what we really
21 should do is if we identify substitute assets --

22 THE COURT: Right.

23 MR. ZAUZMER: -- we will always come back to the
24 Court --

25 THE COURT: Right.

1 MR. ZAUZMER: -- under Section 853. So what we're
2 asking is that the Court now, as part of the judgment, sign the
3 final order of forfeiture. That will be final as to Mr.
4 Williams. I don't think there will be any third-party claims,
5 but it's not final as to any third party.

6 THE COURT: Any objections?

7 MR. BURKE: No, Your Honor; I've reviewed it.

8 THE COURT: Very well. Are there any other issues in
9 dispute, Mr. Burke?

10 MR. BURKE: I don't think so; no, sir.

11 THE COURT: Mr. Zauzmer?

12 MR. ZAUZMER: No, Your Honor.

13 THE COURT: Mr. Burke, do you have any evidence,
14 remarks, or witnesses you would like to present?

15 MR. BURKE: May I, Your Honor?

16 THE COURT: You may.

17 MR. BURKE: Your Honor, as the Court is aware under
18 Section 3553(a), the Court, obviously, has to consider the
19 nature and circumstances of the crime. The Court obviously sat
20 in trial for almost two weeks and listened to the evidence, and
21 it was also played out over the many months prior to the
22 trial's beginning. I ask the Court -- obviously, the Court's
23 going to focus on the nature and circumstances of the crime,
24 but as the Court is aware you also have to look at the history
25 and characteristics of the defendant in formulating in your

1 mind what the appropriate sentence is. So I ask the Court to
2 take into consideration the following: the Court has
3 appropriately outlined what the guidelines are, at 51 to 63,
4 and they suggest a guideline range, but with a statutory max of
5 60 months. The Court appropriately and correctly stated that
6 the guidelines are 51 to 60 months.

7 First and foremost, I am aware that the Court -- or I
8 filed with the Court yesterday a multitude of letters and I,
9 knowing the Court's thoroughness, I'm sure the Court has
10 reviewed them thoroughly, sir, and I ask that you make them
11 part of the record.

12 THE COURT: So ordered.

13 MR. BURKE: Many of the authors of these letters are
14 present in the courtroom, sir. Some are not, they could not be
15 here for a variety of reasons. I would like to turn and ask
16 the audience to stand for any of the supporters of Seth
17 Williams so that you may see who those people are?

18 THE COURT: Sure.

19 MR. BURKE: All those here in favor of Seth Williams,
20 will you please rise?

21 Thank you.

22 I do have one additional letter that was submitted to
23 me this morning by Sonita Williams. May I read it, sir?

24 THE COURT: You may.

25 MR. BURKE: Okay.

1 It says, dear, Your Honor, my name is Sonita
2 Williams. I have known Seth Williams for 23 years. For 17 of
3 those years I was his wife. Seth and I have remained close
4 despite our divorce and I am proud to be here to support him
5 today, not just because he is the father of my children, but
6 because he is my friend. I'm not here to pretend that Seth is
7 a perfect man, but Seth is a good man. Seth is a family man.
8 He is a man devoted to his community. For much of his life he
9 has been committed to doing good and helping those less
10 fortunate than himself.

11 That commitment to others led him to become the
12 District Attorney of Philadelphia. Unfortunately, Seth is also
13 a flawed man and his flaws led him to make flawed decisions
14 and, ultimately, has led all of us to being here today. Your
15 Honor, you have heard many of the good things Seth has done for
16 his family, friends, and the community at large. I ask that
17 you consider those things, along with the charges against him,
18 as you sentence him today. I ask that you also consider the
19 remorse that Seth feels for his actions that have brought us
20 here and know that he truly wants to be a better man.

21 Seth has lost everything, the career he has worked so
22 hard for, the respect of his colleagues and friends, and his
23 very freedom. Being away from his children and his elderly
24 mother has been extremely difficult for all of them. I am
25 asking that as you impose sentence today, you consider the

1 whole of Seth's life, good and bad. Consider the man who has
2 done much good for many, the man who has love -- who loves and
3 is loved by family and friends, and the man who has the
4 capacity and willingness to live better -- a better life, and
5 be even a -- and be an even better man.

6 I am hopeful that you -- as you impose sentence, Seth
7 will be allowed to remain close to his mother and children so
8 that they may be allowed to continue their close bond with him.
9 His mother Imelda is 85 years old and has not seen him since
10 June 29th, 2017. His daughters, Taylor and Hope, have only
11 been allowed four visits since that time. I ask that you
12 consider them and how your sentence will affect them.

13 Thank you for your consideration, sincerely, Sonita
14 Williams.

15 As I was stating to the Court, the Court needs to
16 focus on the history and characteristics of the defendant. And
17 in imposing the appropriate sentence, I'd ask the Court to
18 consider the following. I'd asked the Court to consider the
19 thousands of lives that Mr. Williams changed not just as the
20 District Attorney and the crime victims that he -- he
21 represented, but the many years of service he had in the
22 District Attorney's office as an assistant district attorney.
23 I know the Court's history, the Court can appreciate as an
24 assistant district attorney the long hours, the low pay, and
25 the heavy caseload. No one does it for the glory, they do it

1 for the good of the job, so when imposing a sentence and
2 determining or considering his nature -- his nature and
3 characteristics, I ask you to consider the many years he served
4 as an assistant district attorney in the city of Philadelphia.

5 I'd ask you to also look at, notwithstanding the fact
6 that the crime for which he stands -- stands convicted of
7 occurred while he was the District Attorney of Philadelphia
8 County, I ask you to look at the great strides that he made to
9 improve the office, including changing the office from a
10 horizontal base to a vertical base prosecution. As the Court
11 is aware there was great effort for Mr. Williams and his office
12 to convince the criminal justice system in the First Judicial
13 District to change the way that the prosecution teams in the
14 courtrooms were set up. Mr. Williams was able to implement a
15 vertical prosecution, enabling assigning prosecutors to a
16 particular neighborhood so that those prosecutors knew the
17 police better, knew the crime trends, and could better
18 effectuate criminal prosecutions in those various
19 neighborhoods, enabling what all prosecutors want is safer
20 streets for the community. So that was a great achievement and
21 I ask the Court to consider that.

22 I ask the Court to consider the many programs he
23 implemented for low-level offenders, by creating more
24 diversionary programs for low-level offenders. It certainly
25 freed up more money for the District Attorney's office to go

1 after larger and more serious crimes. But it also -- it
2 enabled first-time offenders to pay their debt to society and
3 still maintain a clean record. I think in the criminal justice
4 system all the participants, the lawyers, the judges,
5 probation officers, police officers, agents, understand that
6 individuals with criminal records find it difficult moving
7 forward in society. Mr. Williams certainly recognized that and
8 expanded those programs, AMP 1 and AMP 2 and the SAM program.

9 Some individuals, obviously, couldn't qualify for
10 that, Your Honor, so he expanded the programs because these
11 individuals may have already had criminal records that were the
12 low-level nature, but he expanded some of these programs to
13 attempt to get these individuals some sort of education so
14 notwithstanding their criminal conviction they could still move
15 forward in a positive way.

16 I ask the Court to take into consideration that under
17 Seth Williams, the discharge rate of felony arrests at the
18 preliminary hearing drastically dropped, primarily due to his
19 implementation of the vertical prosecution system. I ask the
20 Court to also take into consideration that under Mr. Williams's
21 leadership at the District Attorney's office the request for
22 death penalty notices in capital cases was greatly reduced. I
23 asked the Court to take that into consideration.

24 I also ask the Court to take into consideration his
25 nearly 20 year service in the military, beginning in the Army

1 Reserves in 1998 and the Judge Advocate General where he
2 attained the rank of Major. He has served for the Pennsylvania
3 National Guard since 2015. I ask the Court to take that into
4 consideration in considering the appropriate sentence.

5 I ask the Court to take into consideration, his
6 dedication to his faith, the many years of service he had to
7 St. Carthage in West Philadelphia. And the archdiocese as a
8 member of the parish council and the Catholic Church's Cluster
9 Council. The parish council as the Court knows, Mr. Williams
10 and others in the community of the parish are charged with
11 running the parish outside of the theology. Mr. Williams's
12 work led to his placement on the arch -- on Catholic Church's
13 Cluster Council with which also -- which oftentimes had to deal
14 with the painful job of downsizing or closing parishes and then
15 unify them in another parish due to the shrinking population of
16 Catholics. So I'd ask the Court to take into consideration his
17 long service to the Catholic Church.

18 I also ask you to take into consideration the courage
19 Mr. Williams showed in as a Catholic taking on the Catholic
20 Church and uncovering years of abuse by pedophile priests. The
21 investigations here in Philadelphia became a model for other
22 DA's offices in other dioceses throughout the country. I ask
23 you to take into consideration his 20 years of service in the
24 Overbrook Civic Association where he volunteered his time in
25 neighborhood beautification, trash removal, zoning issues, and

1 organized sports. Mr. Williams, himself, was a coach for many,
2 many years for his daughters and other boys and girls in the
3 neighborhood as they progressed through the sports program.

4 I ask you to take into consideration his very strong
5 family ties, particularly his mother, his former wife and his
6 two teenage daughters. Although divorced, Mr. Williams and his
7 former wife, Sonita, are both primary parents and Mr. Williams
8 was fully invested in all aspects of their lives. I also ask
9 you to take into consideration when formulating the appropriate
10 sentence for the defendant, I ask the Court to take into
11 consideration some of the ancillary punishments that Mr.
12 Williams will or has suffered. Mr. Williams was suspended from
13 the Pennsylvania Bar as of last week. He was disbarred. Mr.
14 Williams will not be able to practice law upon his -- from
15 release for however long the -- the Court determines the
16 appropriate sentence. So he is not going to be able to obtain
17 employment for himself, and obviously for the restitution that
18 he needs to pay, in his chosen profession.

19 He has also lost his sizable pension. As Mr.
20 Williams is now in his fifties, as I am, your thoughts start to
21 change in terms of how you're going to support yourself in your
22 -- as you are winding down your career, I ask you to take that
23 into consideration, he is going to have to start from scratch.
24 And when he is released he is going to be virtually penniless,
25 so I ask the Court to just consider that in what the Court

1 deems to be an appropriate sentence.

2 The only other request I have of the Court is that
3 the Court balance not only the nature and circumstances of the
4 crime but the history and characteristics of the defendant. I
5 do ask that the Court -- if the Court would consider releasing
6 Mr. --

7 THE COURT: We're not there yet.

8 MR. BURKE: Yes, sir. We'll do that at the end?

9 THE COURT: Yes.

10 MR. BURKE: Your Honor, I have -- I'm going to read
11 an allocution from my client, may I wait to the end or do you
12 want me to do that now?

13 THE COURT: I was going to call on your client right
14 now --

15 MR. BURKE: Okay.

16 THE COURT: Mr. Williams, you have the right to
17 allocution, that means you have the right to speak to me on
18 your own behalf and you may do so now if you choose to exercise
19 that right.

20 MR. BURKE: I'm going to read a prepared statement
21 from Mr. Williams if that's all right with the Court?

22 THE COURT: It certainly is.

23 MR. BURKE: Thank you, sir.

24 MR. ZAUZMER: Your Honor, I would ask that Mr.
25 Williams confirm that on the record --

1 MR. BURKE: Oh.

2 MR. ZAUZMER: -- that he doesn't wish to personally
3 address the Court.

4 THE DEFENDANT: If it please the Court, good
5 afternoon, Your Honor. It is my wish to have Mr. Burke read
6 into the record my statement.

7 THE COURT: Very well.

8 THE DEFENDANT: Thank you, Your Honor.

9 MR. BURKE: May I, Your Honor?

10 THE COURT: Yes.

11 MR. BURKE: Good afternoon, and if it please the
12 Court, Your Honor, prosecutors, federal agents, members of the
13 media, friends and family. I have made mistakes, mistakes of
14 character and judgment. These are my mistakes and my mistakes
15 alone. I am truly sorry for that, for the embarrassment
16 brought to my family, friends, the institutions I love, and for
17 failing the people of Philadelphia who put their trust in me.

18 I want to thank my attorneys, Thomas Burke, Trevan
19 Borum and John Hanamirian for their sacrifice, skillful
20 advocacy and friendship. I also want to thank all of the
21 wonderful people that sent letters to the Court on my behalf
22 and those that -- and those that are here to support me today.
23 Your support has given me hope and I am extremely grateful.

24 Your Honor, I have spent my entire life trying to
25 serve my church, my community, and my nation. I owe everything

1 to my parents Rufus and Imelda Williams. Their -- they
2 sacrificed for me, instilled all of the right values and by
3 their lives demonstrated to all what it meant to live, love,
4 laugh, and to serve others. I am proud of all of my
5 accomplishments and I give my parents and God the glory. I
6 apologize to them for my failures and for letting them down.
7 My success and achievements were theirs. My errors were my
8 own. My father always told me, unless you are willing to be a
9 part of the solution, you forfeit your right to complain. So I
10 tried to help find solutions that I thought would live up to my
11 parents' example at each phase of my life.

12 Your Honor, I owe a huge apology to the people of
13 Philadelphia, serving as District Attorney for the city I love
14 and becoming the first African American DA in the history of
15 Philadelphia was a privilege of my life. But rather than
16 holding myself to a higher standard, I squandered that trust
17 placed in me. I am truly sorry. After serving as an ADA for
18 ten and a half years, I wanted to be the DA to help find
19 solutions and hopefully make the office and the criminal
20 justice system better.

21 It was my goal to be a good steward of the office and
22 to try to -- and to turn over my successor -- to turn it over
23 to my successor better than when I took the oath of office in
24 January of 2010. I'm extremely proud of that. We achieved the
25 DA's office working in collaboration with the community,

1 police, courts and clergy, to expand diversionary programs,
2 community-based prosecutions, GunStat, and focused deterrence.

3 I loved serving as DA. The public policy changes,
4 community events, walking in the neighborhoods and hearing the
5 concerns of neighbors, visiting hospitals, speaking at schools,
6 I would not have been able to do any of these things without
7 the hard work of the people that got me elected, volunteers and
8 campaign candidates. They believed in me and my vision to be
9 the District Attorney. I have failed them.

10 To Kelley Hodge and all of them men and women, past
11 and present that work at the Philadelphia District Attorney's
12 Office, I offer you my sincerest and humble apology for the
13 shame I brought to the office that I love.

14 Your Honor, I have spent my adult life trying to
15 provide for my daughters, Alyssia, Taylor, and Hope. I hope to
16 create -- I hoped to create a legacy that would open doors for
17 them. I love them dearly, they have stood me during this my
18 darkest hour, and I am grateful. I must publicly apologize to
19 them for the embarrassment, suffering, and trauma that my
20 actions have caused them.

21 Your Honor, with your permission I will take the
22 opportunity to publically apologize to the two women that I
23 have loved the most in my life and whom I have hurt the most.
24 My sins, my selfishness, my immaturity, my bad judgment, and
25 self-destructive behavior has hurt both of them deeply and it

1 was unnecessary. It has caused them great pain and public
2 humiliation. So to Stacey and Sonita I offer my most sincerest
3 and heartfelt contrition. I beg their forgiveness.

4 I must also apologize to the friends, loved ones, and
5 all the members of the Crodupp (Phonetic), Cummings and
6 Williams' family. Sonita and Stacey deserve better from me at
7 all times and I let them down. I am forever indebted to them
8 and will spend the rest of my life working to fix all that I
9 have broken and to regain their trust. I know words are cheap,
10 I ask that they allow my actions to speak for me from this day
11 forward.

12 Your Honor, on the morning of June 29th I accepted
13 the responsibility for what I have done. As a result, I lost
14 my job, reputation, pension, house, law license, and liberty.
15 I have tried to use this experience and time to learn to grow
16 from my mistakes and to atone for my sins. I believe that all
17 of this had to occur and as it is an essential step, the price
18 I had to pay, to complete the shedding of my old life and to be
19 free to live -- and for me to be free to live a new life.

20 In closing I'm a man of faith and it has been my
21 faith that has carried me this far. It is also because of my
22 faith that I know that rehabilitation, reconciliation, second
23 chances and forgiveness, are all possible. When I am released
24 I will still be a relatively young man and I will have the
25 opportunity to prove to my family, my daughters, and my

1 community that my mistakes were just that, mistakes, and that I
2 can be more than I have been and that the mistakes will not
3 define me.

4 That's the statement from my client, Your Honor.

5 THE COURT: Anything you want to add, Mr. Williams?

6 THE DEFENDANT: No thank you, Your Honor.

7 MR. BURKE: That's all. I only have the final
8 requests, sir.

9 THE COURT: Very well.

10 Mr. Zauzmer?

11 MR. ZAUZMER: Thank you, Your Honor. Your Honor, as
12 the Court is aware the government requests that the Court
13 impose a sentence of 60 months imprisonment, which is within
14 the guideline range. It's also the statutory maximum for this
15 offense. I'm going to just briefly respond to Mr. Burke's
16 suggestion that the Court consider Mr. Williams' public
17 service. That's something that we strongly disagree with. The
18 public office and whatever benefits that come with that do not
19 give anybody the license to commit a crime, and certainly do
20 not give anybody the ability to earn a lower penalty that some
21 other citizen who did not engage in public service.

22 There are dozens of people in this courtroom right
23 now who are public servants, a federal judge, a probation
24 officer, pretrial services court staff, law enforcement agents,
25 United States marshals, and none of these people here are

1 thinking, oh, I want to go commit a crime because I'll then get
2 a benefit for the good public service that I've provided.
3 That's really antithetical to the way our democracy is
4 established.

5 Mr. Williams can get credit in the public forum for
6 the things he did in the DA's office but that's not why we're
7 here today. We're here today because of the crimes he
8 committed using that office in order to commit those crimes and
9 that's what has to be punished. And I think Mr. Williams
10 pretty much recognized that in his allocution statement when he
11 appropriately apologized to the people in the District
12 Attorney's office. Whatever good programs or things he did
13 while he was there, this case had a devastating effect on the
14 District Attorney's office.

15 There are hundreds of assistant DAs and other law
16 enforcement agents who go to work every day and do a very tough
17 job for a lot less money than Mr. Williams was paid to
18 prosecute the many crimes that are committed in this city. And
19 to have the elected District Attorney be exposed as someone who
20 was selling his office for favors, who was committing other
21 frauds, has a devastating effect on them, and on their pursuit
22 of justice that they're trying to accomplish every day. That's
23 what we should be focused on today and not giving any benefit
24 for the public service that he was compensated for and that he
25 swore himself to do.

1 Now, there are positive attributes. We're not here
2 to say that Mr. Williams is an entirely bad person. I read the
3 very thoughtful, thorough letters, the character letters that
4 were presented by his friends and family. There's no doubt
5 that Mr. Williams is a loving father, he's a devoted member of
6 his church, he has engaged in other community activities
7 outside of his elected paid position and what that warrants --
8 in our view what it warranted, is that the government is not
9 seeking an upward variance in this case. The government did
10 not have to agree, of course, to this plea agreement to
11 sentence at 60 months. We did it because we looked at the
12 circumstances and they're really no different now than we
13 perceived them back in June.

14 We looked at the circumstances and we saw that these
15 crimes were serious, that the guidelines for a serious sentence
16 in the range of 51 to 63 months and that because of the other
17 positive attributes of his life, we were not going to seek an
18 upward variance, which of course is our normal position. As
19 Your Honor knows we ordinarily recommend within guideline
20 sentences and so we were pleased to take a plea that permits us
21 to ask for the appropriate within guideline sentence. That 60-
22 month sentence is significant and it's appropriate.

23 We have crimes here involving taking bribes,
24 committing a fraud on a nursing home, committing a fraud on the
25 city and on the HIDTA program by taking vehicles for his

1 personal use. Not once, not twice, but every single day for
2 five or six years, using these vehicles as his own. And, of
3 course, the PAC fraud as well, using the money of campaign
4 contributors to live a more lavish lifestyle for the meals and
5 the gym expenses and the \$3,000 private birthday party and
6 everything else.

7 That all speaks volumes about Mr. Williams' character
8 as well, that he was one who just would -- basically took
9 whatever opportunity came his way over a long period of time.
10 These were not impetuous crimes of a young person. These were
11 the crimes of a man in his forties, who was the chief law
12 enforcement officer of this city. And that, of course,
13 requires a significant penalty. One of the things I saw in the
14 character letters, I disagree with. I don't have to name the
15 person but one respected gentleman wrote -- he said, I don't
16 believe he is a bad person nor a person I would characterize as
17 a criminal. I view him as a man of faith who has made a
18 mistake in his life and has realized what those mistakes were,
19 and is trying to get his life back together. So with that, I
20 respectfully disagree. He is a criminal and he was a criminal
21 over a long period of time. We're not talking about a, quote,
22 mistake. We're talking about a years' long dereliction of his
23 responsibility to others.

24 This person in his letter -- this was someone from
25 his -- his JAG background in the Army. This person also

1 suggested that Mr. Williams would have been better served if --

2 THE COURT: I'm just looking at the letter, I'm
3 sorry.

4 MR. ZAUZMER: That's fine, and I don't want to
5 interrupt.

6 THE COURT: No, go ahead.

7 MR. ZAUZMER: And I know you've studied the letters
8 as closely as I did. The -- this person suggested that he
9 would have been better served by a board of ethics advisors.
10 The fact of the matter is not just public officials but
11 ordinary citizens do not need an ethics advisor to know that
12 you cannot take a bribe. They don't need an ethics advisor to
13 know that you don't take cars from your employer and use it as
14 your personal vehicle for years on end. And certainly not cars
15 that belong to the HIDTA program that are supposed to be used
16 in the most sensitive and important drug investigations. That
17 you don't use campaign contributions for these lavish meals and
18 deep tissue massages and all the other things that were listed
19 at trial. And you certainly don't take money from a nursing
20 home or from the friends of your mother who are trying to
21 support your mother and help her with her expenses.

22 What ordinary citizens know is that if you're
23 fortunate enough, as Mr. Williams was, to earn \$200,000 a year
24 or more than that, and even much less than that, certainly
25 permits you to live a comfortable life, to care for your

1 family, to support your family and your needs. And it wasn't
2 good enough for Mr. Williams. He just wanted more and that's
3 where we get these serial offenses that we needed to lay out
4 before Your Honor and the jury in June.

5 And then the final point, of course, is that Mr.
6 Williams is not an ordinary citizen. He was the elected chief
7 law enforcement officer of this city and county, one of the
8 largest metropolitan areas in the United States. There needs
9 to be a significant sentence for retribution, for deterrence --
10 both for specific deterrence as to Mr. Williams, and for
11 general deterrence. As Your Honor knows just looking at the
12 courtroom behind me, this sentence is not issued in secret.
13 This will be well known throughout this area within moments of
14 the time the sentence is imposed and it should be made clear to
15 these citizens and to the elected officials of this area, that
16 this type of conduct that we saw here is simply not tolerable.

17 Thank you very much, Your Honor.

18 THE COURT: Thank you. In reviewing the presentence
19 investigation report, I have considered the guideline range
20 sentence in the report as just one of several factors,
21 including the following: The nature and circumstances of the
22 offenses -- or of the offense and the history and
23 characteristics of the defendant. The defendant, as I
24 indicated before, pled guilty to one count and admitted the
25 other twenty-eight. Mr. Williams served as the District

1 Attorney of Philadelphia from November 3rd, 2009 through June
2 29th, 2017. During that tenure he engaged in five separate
3 criminal schemes, including bribery, defrauding a nursing home,
4 defrauding his political action committee, and misuse of City
5 vehicles.

6 As a result of these schemes, the defendant owes in
7 excess of \$58,000 in restitution. As to Count 1 during
8 February 2012, Mr. Williams agreed to perform official acts for
9 a Bucks County resident in exchange for personal gifts,
10 including a sofa and a trip to the Dominican Republic. That
11 rather clinical description of the defendant's crimes doesn't
12 really do them justice. The -- Ms. Widmeier's presentence
13 report indicates, and there's been no objection to this, that
14 during the time he served as District Attorney, the defendant
15 earned between 170 and \$200,000 a year. That was not
16 sufficient to fund what could be called an extravagant
17 lifestyle that he craved.

18 The bribery -- the two bribery schemes demonstrated
19 quite clearly and the defendant admitted that he traded
20 official acts and promises for gifts, including cash. In
21 defrauding the nursing home, the facts underlying that show
22 that the defendant stole some \$23,000 that was intended to pay
23 for his mother's care. He signed innumerable documents
24 indicating providing quite plainly that he was the person
25 responsible for her care, he was the responsible person, he had

1 control of her finances as a result, and as I believe it was
2 the director of the nursing home and Archdiocese and nursing
3 home, I might add, the defendant dumped her like a sack of
4 potatoes, or he washed his hands of her, whichever metaphor you
5 want to use. And feigned great ignorance of his obligation,
6 well, no, no, it's the nursing home. It's the nursing home
7 that has to pay for her care. I have to be a high roller at
8 various restaurants in town. I have to be able to entertain my
9 friends. I'm not going to care for my mother. I'm going to
10 take that \$23,000.

11 He defrauded his own PAC. People who thought they
12 were contributing to his political campaign were paying his
13 dues and bills at the Union League and at the Sporting Club.
14 Why would anyone ever want to contribute to a political
15 campaign again when the highest law enforcement officer of this
16 city is eating with his face out of his own political action
17 committee. And as Mr. Zauzmer described his misuse of City
18 vehicles to the point where a lieutenant of county detectives
19 who is probably twice as tall as I am, sat up there on the
20 stand trembling that he was testifying against his boss, trying
21 to describe how he wanted to say that the defendant was using a
22 HIDTA car, in effect, to go to the shore, but simply was
23 terrified to do it.

24 Mr. Williams lived in an orphanage and foster homes
25 before he was adopted at the age of 18 months. He is

1 approximately 50 or 51 years old, has three daughters, two of
2 whom are dependent. His mother resides in a nursing home and
3 suffers from Parkinson's disease, diabetes, congestive heart
4 failure and kidney disease. The defendant has no criminal
5 history.

6 I have considered the need for the sentence imposed
7 to reflect the seriousness of the offenses, to promote respect
8 for the law, to provide just punishment, to afford adequate
9 deterrence to criminal conduct, and to protect the public from
10 any crimes -- further crimes this defendant might commit.
11 There has been -- I've lived in this town since 1974 and the
12 history of this town suggests to me that all too many public
13 officials equate elective or political office, as they view it
14 being synonymous with corruption and a license to be corrupt.
15 Almost from the time you took office, Mr. Williams, you sold
16 yourself to the parasites you surrounded yourself with, Mr.
17 Ali, Mr. Williams. In the case of Mr. Ali you suggested you
18 would fix a case for him. You were unable to do that but that
19 was the plain import of what you said.

20 You corrupted the electoral process by stealing or
21 converting money from your own -- your own PAC. You
22 effectively stole money from your mother. You humiliated the
23 men and women of the District Attorney's office, you impaired
24 the criminal justice system, a district attorney who wasn't
25 licensed to practice law, and you harmed all the citizens of

1 this city. Your profound dishonesty has -- your own profound
2 dishonesty, in my view, has to be deterred, and other public
3 officials have to know that there may well be a day of
4 reckoning if they engage in corrupt conduct as you have.

5 I have considered the need to provide the defendant
6 with educational and vocational training and medical care. The
7 defendant was expelled from West Point in 1986 but later
8 graduated from Pennsylvania State University and Georgetown
9 University Law School. In addition to serving as
10 Philadelphia's District Attorney, he was the Inspector General
11 of the City and an assistant district attorney in the city,
12 that he served as an internal investigator for the Stradley
13 Ronon firm, and as a litigator in the Zarwin Baum firm.

14 Last week he was disbarred from the Pennsylvania bar.
15 He has no history of mental illness or need for drug treatment
16 or substance abuse treatment. Once it appears he began to get
17 himself into trouble, he did attend therapy sessions. I have
18 considered the need to avoid sentencing disparities and the
19 need to provide restitution to victims. I will impose a
20 restitution -- a -- I will issue a restitution issue in the
21 amount of \$58,422.83, which is the amount that probation has
22 recommended and has not been objected to.

23 I have considered everything submitted to me by both
24 parties. I have considered everything in the defendant's
25 brief, which Mr. Burke largely repeated here in court. His

1 brief discusses the support of his family and friends, the
2 defendant's accomplishments as DA, the -- his military service,
3 that he has suffered great public shame, the loss of his law
4 license, and ancillary penalties such as the loss of his
5 pension.

6 I have considered everything Mr. Burke said to me in
7 court, the history and characteristics of his client, the
8 letters that have been submitted in Mr. Burke's view confirm
9 the defendant's good character, that the defendant has done
10 good things, that he has expressed remorse, that I should look
11 at the defendant's whole life, that I should consider the
12 effect a prison sentence on defendant's family. The thousands
13 of lives defendant changed not just as district attorney but as
14 an assistant district attorney, the many improvements in the
15 administration of the DA's office he worked, his 20 years of
16 military service, his dedication to his faith, his courage in
17 investigating the Catholic church, the 20 years he participated
18 in the Overbrook Civic Association, his family ties, and,
19 again, the ancillary punishment that he has suffered, including
20 disbarment and loss of his pension.

21 I have considered the statement that the defendant
22 chose not to make himself but to have read by his counsel, his
23 statement of remorse, which like his testimony at his detention
24 hearing, I simply do not find credible. Sir, much of your
25 allocution to me sounded like a campaign speech. I find it

1 interesting that you say you owe everything to your parents in
2 your allocution statement. Evidently, you didn't feel that you
3 owed them honesty because you stole, in effect, from your
4 mother. I deem the sentencing recommendation and the
5 presentence report as advisory. I've made sufficient findings
6 to fashion and impose a sentence.

7 We come now to the sentencing. I'm going to state
8 the sentence that I intend to impose, then I will ask counsel
9 whether there are any objections with respect to the accuracy
10 or the regularity of the sentence. If there are objections, I
11 will deal with them. If there are no objections, then I will
12 impose sentence. So right now I am not imposing sentence, I'm
13 simply stating the sentence I intend to impose.

14 Mr. Williams, I intend to impose the following
15 sentence: You will serve a term of 60 months incarcerations on
16 Count 1 of the superseding indictment. After you are released
17 from prison, you will participate in the supervised release
18 program of this Court for three additional years on Count 1.
19 Upon release you are to observe the standard conditions of
20 supervision. I will not impose a fine because I find you do
21 not have the ability to pay fine and restitution and
22 forfeiture. You shall pay restitution in the amount of
23 \$58,422.83 plus interest. You shall also pay a special
24 assessment of \$100. I will enter the government's final order
25 of forfeiture in the amount of \$33,009.

1 Mr. Burke, do you know of any reason why the sentence
2 that I've just stated should not be imposed?

3 MR. BURKE: No, Your Honor.

4 THE COURT: Mr. Zauzmer?

5 MR. ZAUZMER: No, Your Honor.

6 THE COURT: Ms. Widmeier?

7 MS. WIDMEIER: No, Your Honor.

8 THE COURT: Mr. Williams, it is the judgment of this
9 Court that you, Rufus Seth Williams, will be committed to the
10 custody of the Bureau of Prisons to be imprisoned for a term of
11 60 months on Count 1 of the superseding indictment. After you
12 are released from prison, you will participate in the
13 supervised release program of this Court for three additional
14 years on Count 1. Within 72 hours of release from the custody
15 of the Bureau of Prisons you shall report in person to the
16 probation office in the district to which you are released.

17 During your period of supervision, you shall not
18 commit another federal, state, or local crime. You shall be
19 prohibited from possessing a firearm or other dangerous device.
20 You shall not possess any illegal, controlled substance, and
21 shall comply with the other standard conditions of supervision
22 in this court. You must submit to one drug test within 15 days
23 of commencement of supervision, and at least two thereafter as
24 determined by probation.

25 In addition you will comply with the following

1 special conditions. You shall cooperate with your probation
2 officer in the investigation of your financial dealings and
3 provide truthful monthly statements of your income. You shall
4 also provide your tax returns upon request. You are prohibited
5 from incurring any new credit charges or opening additional
6 lines of credit without the approval of the probation
7 department, unless you are in compliance with a payment
8 schedule for your restitution obligation.

9 You shall not encumber or liquidate interest in any
10 assets unless it is in direct service of your restitution
11 obligation or otherwise has the express approval of the Court.
12 You shall cooperate in the collection of DNA as determined --
13 as directed by probation. I will waive the imposition of a
14 fine because I find you do not have the ability to pay a fine
15 as well as restitution. And forfeiture, I will make the
16 government's proposed final order of forfeiture part of the J&C
17 in this case.

18 You shall make restitution in the amount of
19 \$58,422.83. Payment should be made payable to the Clerk U.S.
20 District Court for distribution of St. Francis Center for
21 Rehabilitation & Healthcare in the amount of \$12,449.74, care
22 of Christine (Phonetic) Ladenburger, 1412 Landsdowne, Darby, PA
23 19023. Luther and Sylvia Randolph, \$10,000. They reside at
24 3900 Ford Road, Unit 9A, Philadelphia, PA 19132. Frank
25 Breslin, Revenue Commissioner, City of Philadelphia, 1401 JFK

1 Boulevard, Room 630, Philadelphia, PA 19102, in the amount of
2 \$5,078.13. Department of Health and Human Services, HHS
3 Program Support Center, P.O. Box 530231, Atlanta, GA 30353-
4 20231, in the amount of \$15,234.37.

5 After, -- in the event that restitution is made to
6 those people and entities, the remaining restitution shall then
7 be paid to the U.S. Department of Justice, Crime Victims Fund,
8 in the amount of \$15,660.59. I believe this is consistent with
9 the letter you sent me, Mr. Zauzmer, that the defendant's PAC
10 director has agreed to -- that the restitution should, in fact,
11 be paid to the Justice Fund.

12 MR. ZAUZMER: It is. The fund is actually held by
13 the Treasury Department, the Crime Victims Fund. And the other
14 -- the only other thing that was on the first payments to the
15 other victims that Your Honor said, will be paid before the
16 Crime Victims Fund.

17 THE COURT: Yes, I just said that.

18 MR. ZAUZMER: Right. I would just add that it will
19 be pro rata as payments are made.

20 THE COURT: Okay. That's fine.

21 MR. ZAUZMER: Thank you.

22 THE COURT: The restitution is due immediately. It
23 is recommended that the defendant participate in the Bureau of
24 Prisons Inmate Financial Responsibility Program and provide a
25 minimum payment of \$25 a quarter towards restitution. In the

1 event the entire restitution is not paid before the
2 commencement of supervision, payment of supervision shall
3 become a condition of supervision -- I'm sorry payment of
4 restitution shall become a condition of supervision and shall
5 be paid at the rate of at least \$200 a month to commence 30
6 days after release from confinement. You shall notify the
7 United States Attorney for -- I guess it's the district of New
8 Jersey and not this district. Is that right?

9 MR. ZAUZMER: Well, I would --

10 THE COURT: Who would be supervising the defendant's
11 supervision, this office or the New Jersey U.S. Attorney's
12 Office.

13 MR. ZAUZMER: I think it will be the New Jersey
14 office, Your Honor.

15 THE COURT: Very well. You shall notify the United
16 States Attorney for the district of New Jersey within 30 days
17 of any change of mailing address or residence that occurs while
18 any portion of the restitution remains unpaid. If the
19 restitution is not paid in full 15 days from today, I will
20 impose interest on the restitution. The interest will begin to
21 accrue on November 8th, 2017. The interest will be completed
22 at a rate equal to the weekly average one year constant
23 maturity treasury yield as published by the Board of Governor's
24 of the Federal Reserve System for the calendar week preceding
25 the first day on which the defendant is liable for interest,

1 and you shall pay a special assessment of \$100 which shall be
2 due immediately. As I indicated before I will make the
3 government's final order of forfeiture a part of the judgment
4 and commitment order of this case, so I believe that's a
5 forfeiture of \$33,009, is that right?

6 MR. ZAUZMER: That's correct, Your Honor.

7 THE COURT: You have heard me state that you are to
8 observe the standard conditions of supervision in this court.
9 Probation will go over each and every one of those conditions
10 with you. However, I want to emphasize one thing and it is
11 that you, Mr. Williams, not possess any firearms or dangerous
12 weapons. Being a convicted felon it would be illegal for you
13 to possess any firearms or dangerous weapons. There being no
14 objections or further submission, I order that the sentence be
15 imposed as I have just stated it to be.

16 Mr. Williams, I have now formally imposed sentence
17 and you have now for there -- and, therefore, now been
18 sentenced. The criminal process from the Court's standpoint is
19 over, but from your standpoint it is not over.

20 As you know, you have many obligations as a result of
21 this sentence. Mr. Williams, I advise you that you have the
22 right to appeal, including the right to appeal the sentence
23 that I just imposed on you. You have 14 days in which to
24 appeal. Your right to appeal might be affected by the terms of
25 your guilty plea agreement. I also advise you that if you are

1 unable to pay the cost of an appeal that you may apply for
2 leave to appeal in forma pauperis and if that leave is granted
3 for you to appeal in forma pauperis, then there won't be any
4 costs that would be imposed on you to take such an appeal.

5 If you so request, the Clerk of Court shall prepare
6 and immediately file a notice of appeal on your behalf. Now,
7 Mr. Williams you understand what I've just said with respect to
8 your ability to appeal?

9 THE DEFENDANT: I do.

10 THE COURT: The next thing I would like to address is
11 execution of sentence. I am prepared to order that Mr.
12 Williams begin serving his sentence immediately, unless counsel
13 has any reason for delay.

14 Mr. Burke?

15 MR. BURKE: May I address the Court?

16 THE COURT: Sure.

17 MR. BURKE: Your Honor, I would ask that the Court --
18 as the Court -- the Court took my client in custody on the day
19 of the plea but because of the nature of who it is, at the
20 Federal Detention Center he is not mixed in with the general
21 population. He is in the segregated housing unit. He is in a
22 cell by himself all day, except for one hour, he gets out to go
23 to a cage on the roof. He gets clothes three days a week. He
24 can only make one phone call -- one phone call a month as
25 opposed to the other defendants downstairs, they can call

1 whenever they want. This has caused a great strain on his
2 relationship with his two teenage daughters and, you know, we
3 have spoke to Mrs. Williams. Not saying what the Court said
4 and appropriately pointed out, the crimes against his mother,
5 his mother is in declining health, you know she is 85 years
6 old. She certainly wants to see her son. The -- you know, the
7 prospect that she would be able to survive 40 to 45 months of a
8 sentence is unknown, but certainly at 85 years old with the
9 physical ailments that the Court has noted on the record, I
10 would respectfully request that the Court would reconsider the
11 decision of January -- or of June 29th, release him on house
12 arrest so that his mother can see him and that he can spend
13 some time with his daughters before being classified.

14 One of the fears here is -- is -- and I have spoken
15 to Joyce Hiracala (Phonetic) who is the regional director's
16 counsel for classification and movement. Because of who he is,
17 there is a distinct likelihood that he will not be allowed to
18 serve his sentence in the Eastern District of Pennsylvania or
19 in the District of New Jersey and could very well wind up
20 serving a sentence several states away, making it incredibly
21 difficult for his girls to come and visit him, and practically
22 impossible for his mother to come and see him. In light of
23 that, I would ask that the Court, very respectfully if you
24 would reconsider your position, release him on house arrest to
25 his former wife's address, pending classification so that his

1 mother can see him.

2 I know the Court is very angry with my client and the
3 Court has every grounds to be so. I would ask that you do this
4 on behalf of his mother. The government has -- I spoke with
5 Mr. Zauzmer and I appreciate the position of Mr. Zauzmer and
6 Mr. Moran, and Mr. Gauri, and the government. They take no
7 position either way and I appreciate their courtesy in that
8 regard.

9 THE COURT: It's interesting, Mr. Burke, because in
10 your sentencing memorandum you talked in asking me to -- in
11 effect to reconsider my June 29th decision. You talked at
12 great length about the defendant's desire to see his mother,
13 and you mentioned the other things only at the end rather
14 briefly. Being the good lawyer that you are, and having heard
15 what I've said today, you've tried to upend the order of that.
16 When I read your request that the defendant be allowed to self
17 surrender so he could visit his mother, I thought to myself,
18 the English language doesn't have the word to capture the
19 outrageousness of that request, whether it's gaul, or hubris,
20 brass, audacity. The defendant stole from his mother and now
21 wants to visit her.

22 The -- my consideration of your client as a flight
23 risk has not changed since June 29th. Your request is denied.

24 MR. BURKE: May I --

25 THE COURT: The defendant will remain in custody.

1 MR. BURKE: Just for the --

2 THE COURT: As for where he is designated, I
3 recommend that the Bureau of Prisons designate him as close to
4 this district as possible, consistent with their security
5 concerns, which is exactly what Ms. Widmeier told me they would
6 do.

7 Yes, Mr. Burke?

8 MR. BURKE: Your Honor, it wasn't so he could visit
9 his mother, so his mother could see him. That was my request.
10 So the hubris was not for my client. There is no hubris on
11 behalf of Mr. Williams; she wants to see him.

12 THE COURT: If you care to read your pleading that
13 way, that's fine with me. That's certainly what you said here
14 in court. In any event, I am not changing my order.

15 Is there anything else we need to discuss?

16 MR. BURKE: No. Thank you.

17 THE COURT: All right. My thanks to all counsel, to
18 probation, and to our marshal.

19 THE COURT DEPUTY: All rise.

20 (The proceeding concluded at 2:54 p.m.)

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C E R T I F I C A T I O N

I, Gillian Lawrence, court approved transcriber,
hereby certify that the foregoing, pages 1 to 41, is a correct
transcript from the official electronic sound recording of the
proceedings in the above-entitled matter, and to the best of my
ability.

Gillian Lawrence CER-255, CET-255

DATE: November 9, 2017